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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,076	12/02/2003	George M. Kauffman	81696PCTUS	6023

23685 7590 11/19/2007  
KRIEGSMAN & KRIEGSMAN  
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SOUTHBOROUGH, MA 01772

EXAMINER
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PRASAD, NEIL

ART UNIT	PAPER NUMBER
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2822

MAIL DATE	DELIVERY MODE
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11/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/727,076

Applicant(s)

KAUFFMAN, GEORGE M.

Examiner

Neil Prasad

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3,5,15-18,20-24,28 and 31-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,5,15-18,20-24,28,31,32 and 34-36 is/are allowed.
- 6) ☒ Claim(s) 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/27/2007.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 9/27/2007 was filed after the mailing date of the instant application on 12/2/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tellas et al. (US Patent No. 5,982,602) in view of Ryman (US Patent No. 6,636,407).

Regarding claim 33, Tellas discloses the claimed invention including:

- An outer conductor (Figure 3-28)
- An inner conductor (Figure 3-32) extending coaxially within said outer conductor, said inner and outer conductors being spaced apart (Figure 3)
- An RFIC tube (Figure 3-38) disposed between said inner conductor and said outer conductor, said RFIC tube being shaped to define an opening (Figure 3-36)
- A shunt conductor (Figure 3-40) for shunting electromagnetic signals traveling within said inner conductor which fall outside of the desired frequency band, said shunt

conductor comprising a first end (Figure 3-32) and a second end (Figure 3-42), the first end of said shunt conductor being coupled to said inner conductor (Figure 3-32) and the second end of said shunt conductor being coupled to said outer conductor (Figure 3-42).

- Wherein said shunt conductor (Figure 3-40) comprises first and second contiguous curved portions, said first and second curved portions extending along different arcuate paths (Figure 3-40)

Tellas does not disclose the second portion of the shunt conductor to be in the form of a helix. However, Ryman, in at least col. 8, lines 17-43, discloses a surge protector including a helical aperture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Tellas' protective device with Ryman's use of a helical shape in the shunt conductor because adjusting the helical revolutions helps to optimize the shunt frequencies and return loss to values desired for a particular device.

***Allowable Subject Matter***

4. Claim 3, 5, 14, 15, 16-18, 20-24, 28, 31, 32, 34, 35, and 36 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 3, applicant has overcome the prior art by more clearly describing an intermediary portion of a shunt conductor to be non-linear along the entirety of its length, because the more annular shape eliminates sharp bends that can deform or break the shorting stub as a result of high current transients. Regarding claim 14, applicant has overcome the prior art by further limiting the insulator pairs,

*specifically a second dielectric material disposed between the first pair of insulators and at least one of the inner conductor and the outer conductor.* In light of newly submitted references found in the IDS on 9/27/2007, the examiner would like to note that Jones et al. (US Patent No. 6,061,223) generally discloses applicant's limitations, except for the use of an *RFIC tube* with the shunt conductor that is non-linear along the entirety of its length. Additionally, there is no motivation to combine Jones with other cited references.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Prasad whose telephone number is 571-270-1430. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra Smith can be reached on 571-272-2429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neil Prasad

  
11/12/07



Kevin M. Picardat  
Primary Examiner